

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ADEKUNLE A. ONATOLU,

Plaintiff,

-against-

COPPEDGE V. UNITED STATES,

Defendant.

18-CV-9747 (CM)

ORDER OF DISMISSAL
UNDER 28 U.S.C. § 1651

COLLEEN McMAHON, Chief United States District Judge:

On July 9, 2015, Plaintiff was barred from filing any new action *in forma pauperis* (IFP) without first obtaining from the Court leave to file. *See Onatolu v. U.S. Army*, No. 15-CV-2829 (LAP) (S.D.N.Y. July 9, 2015). Plaintiff files this new *pro se* case, seeking IFP status.

Plaintiff appears in this complaint to challenge the July 9, 2015 bar, which limits his ability to proceed without prepaying the filing fee because the Court determined that Plaintiff was abusing the privilege of proceeding IFP. On May 13, 2015, the Court notified Plaintiff that it intended to impose the proposed bar, and granted him an opportunity to show cause why it should not be imposed; Plaintiff failed to respond, and on July 9, 2015, the Court imposed the bar.¹ Plaintiff therefore already had opportunity to present his arguments in opposition to the July 9, 2015 bar.²

The Court construes Plaintiff's motion and declaration as his request for leave to file this action. (ECF Nos. 3-4.) This action, however, does not represent a departure from Plaintiff's

¹ Plaintiff has continued to file nonmeritorious actions, notwithstanding imposition of the bar order. *See, e.g., Onatolu v. People of the State of New York*, No. 18-CV-9745 (CM) (S.D.N.Y. Oct. 24, 2018).

² Plaintiff also does not provide any sufficient argument against the bar order.

pattern of frivolous litigation. The Court therefore declines to grant Plaintiff leave to pursue this action.

CONCLUSION

The Clerk of Court is directed to assign this matter to my docket, mail a copy of this order to Plaintiff, and note service on the docket. The Court denies Plaintiff's request to proceed IFP and dismisses this action without prejudice under the July 9, 2015 bar order in *Onatolu v. U.S. Army*, No. 15-CV-2829 (LAP) (S.D.N.Y. July 9, 2015). The Clerk of Court is directed to close this action.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: October 29, 2018
New York, New York



COLLEEN McMAHON
Chief United States District Judge